



State of Utah

Department of
Natural Resources

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Executive Director

Division of
Oil, Gas & Mining

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Division Director

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Governor

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Lieutenant Governor

August 13, 2004

Dan Powell
Emery Industrial Resources
148 South 100 East
Spanish Fork, Utah 84660

Subject: Return of Small Mine Notice of Intent, Emery Industrial Resources, Inc.
Cherry Hill Park Quarry, M/049/021, Utah County, Utah

Dear Mr. Powell:

The Division has reviewed your application for a small mine (received August 9, 2004) and has determined that we cannot process it. Therefore, we are returning it along with the \$150 check you provided as an application fee. Please find them enclosed.

Our investigation of the Cherry Hill site has determined that over 19 acres have already been disturbed. This amount of disturbance exceeds the amount allowed for small mining operations. In order for us to process a small mine application for this site, the existing disturbance would have to be reclaimed down to below five (5) acres. We are also aware that the Board of Oil, Gas & Mining has an outstanding order at this site that requires, among other things, a bond in the amount of \$43,500 to be posted. Without this order being satisfied, it will be difficult for the Division to process a permit for any further mining activity at this site.

If you have questions or would like to discuss the return of this application further, please don't hesitate to call me at (801)538-5325.

Sincerely,

Daron R. Haddock
Permit Supervisor
Minerals Regulatory Program

DRH:jb

Enclosure: Application & check

cc: Steve Alder, AAG

Sidney Balthasau Unrau, Esq.

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